



# Department of Justice

**United States Attorney Timothy M. Morrison  
Southern District of Indiana**

FOR IMMEDIATE RELEASE  
Wednesday, November 4, 2009  
<http://www.usdoj.gov/usao/ins/>

CONTACT: MARY BIPPUS  
(317) 229-2403  
mary.bippus@usdoj.gov

## **WASTEWATER TREATMENT PLANT OPERATOR AND CITY OF MADISON CHARGED WITH NEGLIGENTLY VIOLATING THE CLEAN WATER ACT**

### **PRESS RELEASE**

INDIANAPOLIS - David W. Hawkins, 61, and the City of Madison, Indiana, were both charged yesterday with negligently violating the federal Clean Water Act, announced Timothy M. Morrison, U.S. Attorney, Southern District of Indiana, following a several month investigation by the Indiana Department of Environmental Management (IDEM), Department of Natural Resources (DNR) and the Environmental Protection Agency (EPA).

The information alleges that Hawkins was the superintendent of the City of Madison's wastewater treatment plant. Hawkins was qualified as a Class III Wastewater Treatment Operator and had held the position for 25 years. The wastewater treatment plant is designed to receive the residential and industrial wastes containing domestic sewage and industrial pollutants, treat them, and then discharge the water to the Ohio River. The permit for the plant required Hawkins to operate the plant in a manner that minimized upsets and discharges of excessive pollutants into the Ohio River. In May 2007, the plant began to experience significant problems. On June 7, 2007, Hawkins contacted IDEM officials for assistance. On June 8, 2007, IDEM officials who visited the plant told Hawkins that the biologic organisms were no longer providing treatment and that the plant was "dead." IDEM advised Hawkins to immediately remove 90,000 gallons into a separate tank, and reseed the treatment system with live biologic organisms. Hawkins did not implement IDEM's advice and left for the weekend without taking any actions. As a result partially treated and untreated waste and sewage entered the Ohio River between June 8-10, 2007.

According to Assistant U.S. Attorney Gayle L. Helart, who is prosecuting the case for the government, Hawkins faces a maximum of one year imprisonment and a \$100,000 fine. The

-more-

City of Madison faces a term of 5 years probation and maximum of \$150,000 fine. An initial hearing has not yet been set.

An information is only a charge and is not evidence of guilt. A defendant is presumed innocent and is entitled to a fair trial at which the government must prove guilt beyond a reasonable doubt.

###

20091104.Hawkins.Madison.wpd